

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1360 be amended to read as follows:

1 Page 5, line 7, after "11." insert "(a) As used in this section,
2 "communications service" has the meaning set forth in
3 IC 8-1-32.5-3. The term includes broadband over power lines.
4 (b)".
5 Page 5, between lines 12 and 13, begin a new paragraph and
6 insert:
7 "(c) An electricity supplier that receives an incentive approved
8 under this chapter with respect to infrastructure, equipment, or
9 other facilities shall notify the commission at least one hundred
10 twenty (120) days before the electricity supplier uses the
11 infrastructure, equipment, or other facilities to provide
12 communications service, either directly or indirectly through an
13 affiliate or an unaffiliated third party. If the commission is notified
14 under this subsection or otherwise determines that an electricity
15 supplier is using infrastructure, equipment, or other facilities to
16 provide communications service, the commission shall issue an
17 order revoking any incentive approved under this chapter with
18 respect to the infrastructure, equipment, or other facilities. The
19 order must require the electricity supplier to refund on a pro rata

1 **basis to its customers any costs recovered through rates paid by the**
2 **customers under an incentive approved under this chapter, plus**
3 **interest in an amount determined by the commission."**

(Reference is to EHB 1360 as printed April 10, 2009.)

Senator CHARBONNEAU